

## Message Text

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ACTION L-03

INFO OCT-01 EA-11 IO-14 ISO-00 INT-08 ACDA-19 CIAE-00

DODE-00 PM-07 INR-10 NSAE-00 NASA-04 NSC-10 RSC-01

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P R 080856Z JAN 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 9105

INFO USMISSION USUN NEW YORK

CINCPACREP GUAM/TTPI

CINCPACREF HONOLULU HI

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CINCPACREP PASS TO HICOM AND STATUS LNO TRENT SAIPAN

E.O. 11652: N/A

TAGS: TSPA, PFOR, JA, US, TQ, MARR

SUBJECT: JAPANESE DOWN-RANGE TRACKING STATION

REF: A) STATE 001498, B) TOKYO 16711, C) STATE 235876 (NOTAL)

SUMMARY: FONOFF HAS INDICATED THAT REQUIREMENT THAT ARRANGEMENT FOR DOWN-RANGE TRACKING STATION TAKE FORM OF GOVERNMENT-TO-GOVERNMENT AGREEMENT CREATES SUBSTANTIAL PROBLEM FOR GOJ. PROBLEM ARISES FROM FACT THAT NASDA, ALTHOUGH A PUBLIC CORPORATION, IS LARGEMLY INDEPENDENT OF GOVERNMENT CONTROL.. THUS, AGREEMENT IN WHICH GOJ ASSUMES OBLIGATIONS OR ACCEPTS CONDITIONS WHICH IN FACT MUST BE CARRIED OUT BY NASDA MAY BE LEGALLY INCONSISTENT. SEVERAL ADDITIONAL TECHNICAL QUESTIONS ALSO RAISED. ACTION REQUESTED: CONSIDER POSSIBLE ALTERNATIVES TO PROPOSED LANGUAGE CALLING FOR INTERGOVERNMENTAL AGREEMENT AND PROVIDE RESPONSES TO ADDITIONAL TECHNICAL QUESTIONS. END SUMMARY.

1. SCICOUNS DISCUSSED DRAFT OF US NOTE WITH FONOFF OFFICIALS (YOSUKE YOSHINAKA, SCIENCE AFFAIRS DIVISION, UNITED NATIONS

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BUREAU, AND TAKEKAZU KAWAMURA, TREATIES DIVISION, TREATIES BUREAU).

ACCORDING TO KAWAMURA, AUGUST 1973 CABLE FROM JAPANESE EMBASSY  
WASHINGTON HAD SAID THAT NO INTERGOVERNMENTAL AGREEMENT WOULD BE  
REQUIRED TO PERMIT TRACKING STATION USE AT KWAJALEIN. THUS,  
RECENT USG DETERMINATION THAT "INTER-GOVERNMENTAL" AGREEMENT  
NECESSARY HAS LED TO UNEXPECTED DIFFICULTY. EMBASSY WOULD  
APPRECIATE LEARNING REASONS REQUIRING INTERGOVERNMENTAL AGREEMENT,  
FOR ITS OWN INFORMATION AND ADVICE TO GOJ, IF APPROPRIATE.

2. TO RESOLVE PROBLEM, STATUS OF INTERGOVERNMENTAL AGREEMENT CAN  
BE AVOIDED. KAWAMURA SUGGESTED THIS COULD BE ACCOMPLISHED BY  
SUBSTITUTING LANGUAGE ALONG FOLLOWING LINES FOR NEXT-TO-LAST  
PARAGRAPH IN US NOTE: QUOTE THE EMBASSY HAS FURTHER THE HONOR  
TO CONFIRM THAT IT IS THE UNDERSTANDING OF THE GOVERNMENT OF THE  
UNITED STATES THAT THE GOVERNMENT OF JAPAN HAS NO OBJECTION TO  
THE FACT THAT THE GOVERNMENT OF THE UNITED STATES WILL PERMIT  
NASDA TO LOCATE A TRACKING STATION ON KWAJALEIN SUBJECT TO THE  
CONDITIONS NOTED ABOVE. END QUOTE.

3. ANOTHER ALTERNATIVE DISCUSSED, WHICH NOT NECESSARILY ACCEPTABLE  
TO GOJ, BUT WHICH WOULD SEEM TO AVOID PROBLEM OF LACK OF AUTHORITY  
TO CONTROL NASDA, WHILE PRESERVING AGREEMENT'S STATUS AS EXCHANGE  
OF NOTES, IS AS FOLLOWS: QUOTE IF GOJ IS PREPARED TO AUTHORIZE  
NASDA TO UNDERTAKE THESE ACTIVITIES SUBJECT TO THE FOREGOING  
CONDITIONS, THE MINISTRY'S NOTE TO THAT EFFECT ETC. END QUOTE.

4. FONOFF REPS STRESSED, AND EMBASSY IS FULLY SATISFIED, THAT  
PROBLEM DESCRIBED ABOVE IS A PURELY FORMAL ONE. NASDA IS IN FACT  
AN ARM OF JAPANESE GOVERNMENT WHICH WOULD FULLY ABIDE BY  
CONDITIONS OF AGREEMENT. ONLY PROBLEM IS ITS AUTONOMOUS LEGAL  
STATUS, WHICH MAKES IT INDEPENDENT OF JAPANESE GOVERNMENT DIRECTION  
EXCEPT IN MATTERS OF OVERALL POLICY. EMBASSY ASSUMES THAT U.S.  
NEED FOR INTERGOVERNMENTAL AGREEMENT IS RELATED TO STATUS OF  
TRUST TERRITORY AND NOT TO CONCERN THAT SPECIFIC CONDITIONS (WHICH  
U.S. CAN UNILATERALLY ENFORCE IN ANY EVENT) MUST BE GOVERN-  
MENTALLY GUARANTEED. IF THIS ASSUMPTION CORRECT, FORMULATION  
OF PARA THREE SHOULD MEET U.S. REQUIREMENT.

5. FOLLOWING TECHNICAL QUESTIONS, IN ADDITION TO THE TWO RAISED  
IN REF (B), ALSO POSED BY YOSHINAKA.

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A) DO FUNCTIONS OF "DOWN-RANGE LAUNCH-VEHICLE TRACKING STATION"  
MENTIONED IN PARA ONE OF NOTE INCLUDE APPROVAL TO RECEIVE  
TELEMETRY FROM VEHICLE AND TRANSMIT COMMAND SIGNALS?

B) WILL THERE BE ANY CUSTOMS DUTIES ON PERSONAL EFFECTS OF  
JAPANESE TECHNICAL PERSONNEL?

C) WILL ASSIGNMENT OF RADIO FREQUENCIES FOR TRACKING STATION

PROVIDE ASSURANCE AGAINST POSSIBLE INTERFERENCE BY OTHER TRANSMITTERS ON ISLAND? RESPONSES TO THESE ADDITIONAL QUESTIONS, AS WELL AS HICOM CONFIRMATION OF RESPONSE IN REF (A) WOULD BE APPRECIATED AS SOON AS POSSIBLE.

6. YOSHINAKA POINTED OUT THAT NAMES OF SATELLITES, MENTIONED IN FIRST PARA OF NOTE, HAD BEEN CHANGED. CORRECT NAMES ARE "ENGINEERING TESTING SATELLITE" (WITHOUT ROMAN NUMERAL I) AND "IONOSPHERE SOUNDING SATELLITE (NOT IONOSPHERIC). YOSHINAKA ALSO TOOK OCCASION TO SAY THAT FONOFF REGARDED CONDITION FIVE (IN PARA TWO OF US NOTE) AS "VERY HARSH," BUT DID NOT REQUEST ITS MODIFICATION OR RECONSIDERATION.

7. YOSHINAKA ALSO NOTED THAT STA WANTED TO APPOINT AN OFFICIAL FOR LIAISON WITH US SIDE AFTER ARRANGEMENT GOES INTO EFFECT. HE EXPRESSED HOPE THAT US WOULD RECIPROcate. SCICOUNS SAID THIS ALWAYS A GOOD IDEA, AND, NOTED THAT, BECAUSE STA IS A GOVERNMENTAL AGENCY, THIS PROVIDED MORE GROUNDS FOR GIVING EXCHANGE STATUS OF INTERGOVERNMENTAL AGREEMENT.

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## Message Attributes

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